



To the Honorable Council
City of Norfolk, Virginia

September 11, 2018

From: Leonard M. Newcomb III, CFM, Acting Planning Director *LMN*

Subject: **Leone's**, for the following Conditional Use Permits at 449-455 Granby Street and 105-119 W. Charlotte Street:

- a. Restaurant operating after 12:00 a.m.
- b. Live Entertainment.
- c. Sale of Alcoholic Beverages, Off-Premises.

Reviewed: *[Signature]*
Wynter C. Benda, Chief Deputy City Manager

Ward/Superward: 2/6

Approved: *[Signature]*
Douglas L. Smith, City Manager

Item Number: **C-7**

I. **Staff Recommendation:** Approval.

II. **Planning Commission Recommendation:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Conditional Use Permits to operate an existing restaurant after 12:00 a.m. with live entertainment and to sell alcoholic beverages for off-premises consumption under new ownership.

IV. **Applicant:** Leone's

V. **Description:**

- The site is located Downtown on the southwest corner of Granby Street and W. Charlotte Street.
- The purpose of this request is to allow for a change of ownership to an existing restaurant with entertainment and to sell alcoholic beverages for off-premises consumption.

	Current	Proposed
Hours of Operation, for the Sale of Alcoholic Beverages, and for Entertainment	8:00 a.m. until 2:00 a.m., Seven days a week	Same
Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 12:00 midnight, Seven days a week	8:00 a.m. until 12:00 midnight, Seven days a week
Off-Premises Alcohol Types	<ul style="list-style-type: none"> • 6 packs of beer • Specialty-sized single-servings of beer • Wine (no less than 375 mL) • At least 32 oz. growlers 	Same
Capacity	<ul style="list-style-type: none"> • 128 seats indoors • 6 seats outdoors (Granby) • 49 seats outdoors (rooftop) • 79 seats outdoors (rear patio) • 275 total capacity 	Same
Entertainment Options	<ul style="list-style-type: none"> • 3 Member Live Band • Karaoke • Comedian • Poetry Reading 	Same

VI. Historic Resources Impacts:

- The site is located within the Downtown Historic Overlay District (HO-Downtown) and is a contributing structure.
- Any modifications to the exterior of the building visible from the public right-of-way are subject to Architectural Review Board approval for a Certificate of Appropriateness.

VII. Public Schools Impacts:

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

Staff contact: Sherri Williams at (757) 664-6771, sherri.williams@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated August 23, 2018 with attachments
- Ordinance

City Planning Commission Public Hearing: August 23, 2018

Executive Secretary: Leonard M. Newcomb, III, CFM *LMN*

Planning Technician: Sherri Williams *SW*

Staff Report	Item No. 14	
Address	449 and 455 Granby Street and 105-119 W. Charlotte Street	
Applicant	Leone's	
Request	Conditional Use Permits	Restaurant with Live Entertainment/Extended hours
		Sale of alcoholic beverages for off-premises consumption
Property Owner	455 Granby, LLC	
Site Characteristics	Site/Building Area	0.3 acres/4,900 square feet
	Future Land Use Map	Downtown
	Zoning	D-MU (Downtown-Mixed Use)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-MU: Flat Iron Park
	East	D-MU: 456 Fish restaurant
	South	D-MU: Rama Garden Thai Cuisine
	West	D-MU: The Edge apartments



A. Summary of Request

- The site is located Downtown on the southwest corner of Granby Street and W. Charlotte Street.
- The purpose of this request is to allow for a change of ownership to an existing restaurant with entertainment and to sell alcoholic beverages for off-premises consumption.

B. Plan Consistency

The proposed use is consistent with *plaNorfolk2030*, which designates this site as Downtown.

C. Zoning Analysis**i. General**

- This site is zoned D-MU, which permits the proposed uses by Conditional Use Permit.
- The initial Conditional Use Permit for Leone's was issued in 2014 and has been amended twice to add to the capacity with additional rooftop dining, outdoor dining, and indoor dining.

	Current	Proposed
Hours of Operation, for the Sale of Alcoholic Beverages, and for Entertainment	8:00 a.m. until 2:00 a.m., Seven days a week	Same
Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 12:00 midnight, Seven days a week	8:00 a.m. until 12:00 midnight, Seven days a week
Off-Premises Alcohol Types	<ul style="list-style-type: none"> • 6 packs of beer • Specialty-sized single-servings of beer • Wine (no less than 375 mL) • At least 32 oz. growlers 	Same
Capacity	<ul style="list-style-type: none"> • 128 seats indoors • 6 seats outdoors (Granby) • 49 seats outdoors (rooftop) • 79 seats outdoors (rear patio) • 275 total capacity 	Same
Entertainment Options	<ul style="list-style-type: none"> • 3 Member Live Band • Karaoke • Comedian • Poetry Reading 	Same

- History:

City Council Approval	Applicant	Request
2004	Sirena Cucina Italiana	Eating and Drinking Establishment
2014	Leone's	<ul style="list-style-type: none"> Eating and Drinking Establishment Sale of alcohol for off-premises consumption
2016	Leone's	Eating and Drinking Establishment – expansion, additional indoor and outdoor rear patio dining
April 2017	Leone's	Eating and Drinking Establishment – additional rooftop seating and additional total capacity
December 2017	Leone's	Entertainment Establishment – Change of ownership and increase capacity
Pending	Leone's	Entertainment Establishment – Change of ownership

ii. Parking

The site is located within the D-MU zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X (Shaded) Flood Zone, which is a moderate-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures calculates travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.
- Granby Street adjacent to the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus routes 1 (Granby) and 3 (Chesapeake) operating near the site and light rail available at the nearby Monticello station.
- Granby Street near to the site is an identified priority corridor in *The City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

- The site is located within the Downtown Historic Overlay District (HO-Downtown) and is a contributing structure.
- Any modifications to the exterior of the building visible from the public right-of-way are subject to Architectural Review Board approval for a Certificate of Appropriateness.

F. Public Schools Impacts

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

G. Environmental Impacts

Landscaping improvements were installed within the planting bed areas surrounding the rear outdoor patio dining along W. Charlotte Street, which was a requirement of the prior Conditional Use Permit.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- This site is located Downtown, which is developed with a mix of commercial uses as well as residential and office uses.
- This application should have no adverse impact on the surrounding area.
- The proposed request should not have any negative impacts on this portion of Granby Street which already has a large number of entertainment establishments.
- Over the past year, there were 19 calls for police service, with one arrest made.
 - Twelve of these calls were in relation to a parking violation or motor vehicle accident.
 - Four of these calls were in relation to Disturbances.
 - Two of these calls were in relation to the alarm system.
 - The arrest was in relation to a suspicious person.

J. Payment of Taxes

The owners of the property are current on all taxes.

K. Civic League

Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on July 11.

L. Communication Outreach/Notification

- Legal notice was posted on the property on July 10.
- Letters were mailed to all property owners within 300 feet of the property on July 11.
- Legal notification was placed in *The Virginian-Pilot* on August 9 and August 16.

M. Recommendation

Staff recommends that the Conditional Use Permits be **approved**, subject to the following conditions:

Restaurant Operating after Midnight with Live Entertainment - Conditions

- (a) The operation of the principal use of Restaurant must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance:
 - 1) No alcoholic beverages shall be sold for on-premises or off-premises consumption without the proper approvals from the Alcoholic Beverage Control Board. The sale of alcoholic beverages shall be limited to the times approved by the ABC Board.
 - 2) Waste shall be stored in appropriate containers not visible from the public right-of-way or from any area accessible to the public.
 - 3) All exterior areas shall be maintained in a clean and orderly fashion.
 - 4) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from ground level locations within adjacent Residential districts.
 - 5) Seats shall be provided for at least 80 percent of patrons at all times.
 - 6) A food menu shall be provided at all times that alcohol is sold.
- (b) The operation of the accessory use of Live Entertainment must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance:
 - 1) Except as otherwise expressly allowed in this Ordinance, an accessory use shall not be established or constructed before the establishment or construction of the principal use.
 - 2) If the principal use is destroyed or removed, the accessory use shall no longer be allowed.
 - 3) The gross floor area of accessory uses shall not exceed 25 percent of the gross floor area of the principal use(s) on the lot.
- (c) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (d) Each of the Conditional Use Permits granted herein expressly requires that every other permit granted herein remains actively used and valid. The revocation, termination, or expiration of any one of the permits granted herein shall constitute grounds for revocation of every other permit granted herein.
- (e) The hours of operation for the establishment, for the on-premises sale of alcoholic beverages, and for live entertainment shall be limited to 8:00 a.m. until 2:00 a.m.

the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

- (f) The seating for the establishment shall not be less than 106 seats indoors located on the ground floor level, 22 seats indoors located on the second floor level, shall not be more than 79 seats outdoors located on the ground floor level within the rear patio area along West Charlotte Street, 6 seats outdoors located on the ground floor level along Granby Street, 49 seats outdoors located on the rooftop, and the total occupant capacity, including employees, shall not exceed 275 people.
- (g) No smoking shall be permitted anywhere in the outdoor dining area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (h) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (i) There shall be no signage or electronic display, including no television or monitor, located on the second floor or rooftop of the building such that it is visible or audible from any portion of a public right-of-way.
- (j) No entertainment shall be permitted anywhere outside the building.
- (k) No amplified sound shall be permitted in any outdoor area, including the outdoor dining area, after 10:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.
- (l) Entertainment shall be limited to live bands having no more than three (3) members, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.
- (m) There shall be no dancing and no dance floor provided.
- (n) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it conforms with all building code requirements.
- (o) No modifications shall be made to the rear outdoor patio area unless and until a Certificate of Appropriateness is granted by the Architectural Review Board.
- (p) The existing landscape improvements within the planting bed areas surrounding the rear outdoor patio dining as shown on the attached outdoor dining floor plan entitled, "Leone's – Rear Patio First Fl. – 455 Granby St.," prepared by Robyn Thomas Architect, attached hereto and marked "Exhibit C," subject to any revisions made by the Architectural Review Board through the granting of a Certificate of

Appropriateness, shall be maintained in a healthy and growing condition at all times and all landscaped areas shall be kept free of refuse and debris.

- (q) The solid waste receptacle(s) shall be positioned along the rear of the building in a location that does not interfere with any easement, trash corridor, or access to any parking space, does not impede the use of any vehicular drive aisle, or encroach into any required exit discharge corridor. If the receptacle(s) is visible from any public right-of-way, the receptacle(s) shall be screened.
- (r) One of the following forms of secondary rooftop egress shall be maintained at all times that the establishment is in operation:
 - 1) Egress corridor shown on the attached rooftop floor plan entitled "Leone's – Second Floor – 455 Granby Street," prepared by Robyn Thomas Architect, dated March 21, 2017, revised April 11, 2017, attached hereto and marked as "Exhibit B;" or
 - 2) Other alternative egress that provides the same or greater egress capacity and the same or greater protection of public health, safety, and welfare as the corridor shown in subparagraph (1), above, and which complies with all applicable provisions of the Uniform Statewide Building Code. The City's Building Official shall resolve any question as to whether an alternative provides the same or greater egress capacity and the same or greater protection of public health, safety, and welfare for purposes of this determining compliance with this condition.
- (s) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (t) The establishment shall maintain a current, active business license at all times while in operation.
- (u) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (v) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge, which shall include water but shall not be limited to water. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

- (w) The business authorized by this Conditional Use Permit shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Conditional Use Permit. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Conditional Use Permit must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (x) This Conditional Use Permit shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new Conditional Use Permit is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (y) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Conditional Use Permit. This Conditional Use Permit may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (z) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (aa) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (bb) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

- (cc) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (dd) A copy of this Conditional Use Permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Conditional Use Permit ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (ee) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This ordinance;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (ff) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice

Services shall be present on the property.

- (gg) The written security plan submitted to the City as part of the application for this Conditional Use Permit and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 8:00 a.m. until 12:00 a.m., seven days a week.
- (b) This Conditional Use Permit shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new Conditional Use Permit is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans, with the exception of those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 64 ounces in size. However, beer may be sold in refillable growler containers which have a minimum capacity of 32 oz. No wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Conditional Use Permit shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Conditional Use Permit. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new conditional use permit must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Conditional Use Permit. This

Conditional Use Permit may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Conditional Use Permit ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Conditional Use Permit ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Conditional Use Permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (k) At all times, all temporary window signage must comply with the applicable regulations of section 5.7 of the Norfolk Zoning Ordinance.

Attachments

Conditional Use Permit Review Standards

Overview map

Location map

Zoning map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Applications

Notification list of all property owners within 300 feet of the site

Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council

Proponents and Opponents

Proponents

James Hixon- applicant
3329 Kline Drive
Virginia Beach, VA 23452

F. Sullivan Callahan-Representative
327 Duke Street
Norfolk, VA 23510

Dr. Steve V. Sigred, Jr.
305 Brooke Ave
Norfolk, VA 23510

Opponents

None

Form and Correctness Approved *RAP*

By *[Signature]*

Office of the City Attorney

Contents Approved *SW*

By *[Signature]*

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 47,353

C-7
AN ORDINANCE GRANTING CONDITIONAL USE PERMITS TO AUTHORIZE THE OPERATION OF A RESTAURANT OPERATING AFTER MIDNIGHT WITH LIVE ENTERTAINMENT AND THE SALE OF ALCOHOLIC BEVERAGE FOR OFF-PREMISES CONSUMPTION, NAMED "LEONE'S" ON PROPERTIES LOCATED AT 449 TO 455 GRANBY STREET AND 105 TO 119 WEST CHARLOTTE STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That conditional use permits are hereby granted authorizing the operation of the following principal uses and accessory uses:

- (a) Restaurant operating after midnight (principal use)
- (b) Live Entertainment (accessory use)
- (c) Sale of Alcoholic Beverages, off-premises (accessory use)

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Properties front 57 feet, more or less, along the western line of Granby Street, and 156 feet, more or less, along the southern line of West Charlotte Street; properties also front 27 feet, more or less, along the northern line of Greens Court and 67 feet, more or less, along the western line of a 20-foot lane (unnamed) located at the eastern terminus of Greens Court; premises now or formerly numbered 449 to 455 Granby Street and 105 to 119 West Charlotte Street.

Section 3:- That the conditional use permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

- (a) The operation of the principal use of Restaurant must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.
- (b) The operation of the accessory uses of Live Entertainment, Sale of Alcoholic Beverages, Off-Premises, and Late night food and beverage sales must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.
- (c) Each of the conditional use permits granted herein expressly requires that every other permit granted herein remains actively used and valid. The revocation, termination, or expiration of any one of the permits granted herein shall constitute grounds for revocation of every other permit granted herein.
- (d) The hours of operation for the establishment and for live entertainment shall be limited to 8:00 a.m. until 2:00 a.m. the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (e) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 8:00 a.m. until 12:00 midnight, seven days per week.
- (f) The seating for the establishment shall not be less than 106 seats indoors located on the ground floor level, 22 seats indoors located on the second floor level, shall not be more than 79 seats outdoors located on the ground floor level within the rear patio area along West Charlotte Street, 6 seats outdoors located on the ground floor level along Granby Street, 49 seats outdoors located on the rooftop, and the total occupant capacity, including employees, shall not exceed 275 people.
- (g) The business authorized by this conditional use permit shall be conducted in accordance with the

Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this conditional use permit. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (h) The conditional use permit or permits granted herein that relate to retail alcoholic beverage control licensees shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new conditional use permits is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (i) No smoking shall be permitted anywhere in the outdoor dining area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (j) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (k) Entertainment shall be limited to live bands having no more than three (3) members, disc jockey, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.
- (l) No amplified sound shall be permitted in any outdoor area, including the outdoor dining area, after 10:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.

- (m) No entertainment shall be permitted anywhere outside the building.
- (n) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it conforms with all building code requirements.
- (o) No modifications shall be made to the rear outdoor patio area unless and until a Certificate of Appropriateness is granted by the Architectural Review Board.
- (p) The existing landscape improvements within the planting bed areas surrounding the rear outdoor patio dining as shown on the attached outdoor dining floor plan entitled, "Leone's - Rear Patio First Fl. - 455 Granby St.," included "Exhibit B," attached hereto, subject to any revisions made by the Architectural Review Board through the granting of a Certificate of Appropriateness, shall be maintained in a healthy and growing condition at all times and all landscaped areas shall be kept free of refuse and debris.
- (q) The solid waste receptacle(s) shall be positioned along the rear of the building in a location that does not interfere with any easement, trash corridor, or access to any parking space, does not impede the use of any vehicular drive aisle, or encroach into any required exit discharge corridor. If the receptacle(s) is visible from any public right-of-way, the receptacle(s) shall be screened.
- (r) One of the following forms of secondary rooftop egress shall be maintained at all times that the establishment is in operation:
 - (1) Egress corridor shown on the attached rooftop floor plan entitled "Leone's - Second Floor - 455 Granby Street," included "Exhibit B," attached hereto, or
 - (2) Other alternative egress that provides the

same or greater egress capacity and the same or greater protection of public health, safety, and welfare as the corridor shown in subparagraph (1), above, and which complies with all applicable provisions of the Uniform Statewide Building Code. The City's Building Official shall resolve any question as to whether an alternative provides the same or greater egress capacity and the same or greater protection of public health, safety, and welfare for purposes of this determining compliance with this condition.

- (s) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (t) There shall be no dancing and no dance floor provided.
- (u) The establishment shall maintain a current, active business license at all times while in operation.
- (v) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.
- (w) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons by printing it either on the menu or a card placed on each table and the bar.
- (x) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (y) The violation of any requirement, limitation, or

restriction imposed by the Virginia ABC Commission shall be deemed a violation of this conditional use permit. This conditional use permit may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (z) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (aa) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (bb) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (cc) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (dd) A copy of this conditional use permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this conditional use permit ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (ee) A binder or folder containing documentation

relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This ordinance;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (5) Any health department permit(s);
 - (6) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (ff) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever entertainment is being provided and occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal

Justice Services shall be present on the property.

- (gg) The written security plan submitted to the City as part of the application for this conditional use permit and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- (hh) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold for off-premises consumption.
- (ii) No alcoholic beverage having more than 21% alcohol by volume shall be sold for off-premises consumption.
- (jj) No beer shall be sold for off-premises consumption in any package containing fewer than four (4) bottles or cans, with the exception of those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 64 ounces in size. However, beer may be sold in refillable growler containers which have a minimum capacity of 32 oz. No wine shall be sold in containers less than 375 ml each.
- (kk) At all times, all temporary window signage must comply with the applicable regulations of section 5.7 of the Norfolk Zoning Ordinance.

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That, because the operation of this establishment in the manner proposed in the application requires the grant of more than one conditional use permit, the City Council finds that its operation is only appropriate at the location where it is being authorized when conducted in the manner proposed, as modified by the City Council, and that each permit should be subject to the same conditions, requirements and limitations in order to constrain the operation in a manner that adequately protects public health safety and welfare.

Section 6:- That this ordinance hereby amends the previously

granted special exceptions permitting an entertainment establishment and the sale of alcoholic beverages for off-premises consumption on this property, adopted on January 9, 2018 (Ordinance Nos. 47,103 and 47,104). All provisions and conditions previously approved are entirely superseded by the terms of this ordinance.

Section 7:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (6 pages)

Exhibit B (4 pages)

Adopted by Council September 11, 2018
Effective September 11, 2018

TRUE COPY
TESTE:

RICHARD ALLAN BULL, CITY CLERK

BY: _____
CHIEF DEPUTY CITY CLERK



EXHIBIT "A"

Description of Operations

Sale of Alcoholic Beverage for Off-Premises

Date of Application: 6/20/18
Name of business: Leone's
Address of business: 449 Granby St, 455 Granby St, 105-119 Charlotte St
Name(s) of business owner(s)*: Leone's, LLC / Vicki C. Baylor & James A. Hixon
Name(s) of property owner(s)*: 455 Granby LLC / Sture Sigfred
Name of business managers/operators: Vicki C. Baylor ; PierLuigi Capella
Darren "Mickey" Vernon ; Perrin Priest ; Mark Montgomery
Daytime telephone number: (757) 496-5382

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Alcoholic Beverage Sales

Weekday	From: <u>8 am</u>	To: <u>2 am</u>	Weekday	From: <u>8 am</u>	To: <u>12 midnight</u>
Friday	From: <u>8 am</u>	To: <u>2 am</u>	Friday	From: <u>8 am</u>	To: <u>12 midnight</u>
Saturday	From: <u>8 am</u>	To: <u>2 am</u>	Saturday	From: <u>8 am</u>	To: <u>12 midnight</u>
Sunday	From: <u>8 am</u>	To: <u>2 am</u>	Sunday	From: <u>8 am</u>	To: <u>12 midnight</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☐ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2018)

Exhibit A – Page 2

Sale of Alcoholic Beverages for Off-Premises

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Except for specialty-sized beers (imports) and
refillable growlers (32oz) _____

Veda C. Baylon

Signature of applicant/owner



EXHIBIT "A"

Description of Operations

Restaurant with Entertainment/Extended Hours of Operation

(Please Print)

Date: 6/20/18

Trade name of business: Leone's

Address of business: 449 Granby St, 455 Granby St, 105-119 W. Charlotte St.

Name(s) of business owner(s)*: Leone's LLC / Vicki C. Baylor + James A. Hixon

Name(s) of property owner(s)*: 455 Granby LLC / Sture Sigfred

Name of business managers/operators Vicki C. Baylor ; Pierluigi Capello ;

Darren "Mickey" Vernon ; Perrin Priest ; mark montgomery

Daytime telephone number: (757) 496-5382

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>	<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday From: <u>8 am</u> To: <u>2 am</u> —Weekday	From: <u>8 am</u> To: <u>2 am</u>
Friday From: <u>8 am</u> To: <u>2 am</u> —Friday	From: <u>8 am</u> To: <u>2 am</u>
Saturday From: <u>8 am</u> To: <u>2 am</u> Saturday	From: <u>8 am</u> To: <u>2 am</u>
Sunday From: <u>8 am</u> To: <u>2 am</u> Sunday	From: <u>8 am</u> To: <u>2 am</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises

☒ Off-Premises (second application required)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

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(Revised September, 2015)

Exhibit A – Page 3

Restaurant with Entertainment/Extended Hours of Operation

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed

4. Will video games, pool tables, game boards or other types of games be provided?

☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?

☐ Yes ☒ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?

☒ Yes ☐ No

6a. If yes, explain:

Pharmaceutical meetings / board meetings,
celebrations

7. Will a third party (promoter) be permitted to lease, let or use the establishment?

☐ Yes ☒ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?

☐ Yes ☒ No

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

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(Revised September, 2015)

Exhibit A – Page 4

Restaurant with Entertainment/Extended Hours of Operation

9. Additional comments/description/operational characteristics or prior experience:

Combined over 30 years operating 6 restaurants in
downtown Norfolk. Never received special exception or ABC
violation.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building code requirements for such facility

Vida C. Baylor

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Restaurant with Entertainment/Extended Hours of Operation

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

	<u>1st Flr</u>	<u>2nd Flr</u>	<u>Total Indoor</u>
1. <u>Total capacity</u>			
a. <u>Indoor</u>			
Number of seats (not including bar seats)	<u>94</u>	<u>22</u>	116
Number of bar seats	<u>12</u>	<u>0</u>	12
Standing room	<u>4</u>	<u>0</u>	4
b. <u>Outdoor</u>			
Number of seats	<u>* 85</u>	<u>49</u>	134 Total outdoor
c. <u>Number of employees</u>	<u>9</u>		9 Total employees
Total Occupancy (Indoor/Outdoor seats, standing room and employees) =	<u>275</u>		275 Total Occupancy

2. Entertainment

List ANY type of entertainment proposed (such as 3-member live band, karaoke, comedian, or poetry reading.)

up to 3 member live band

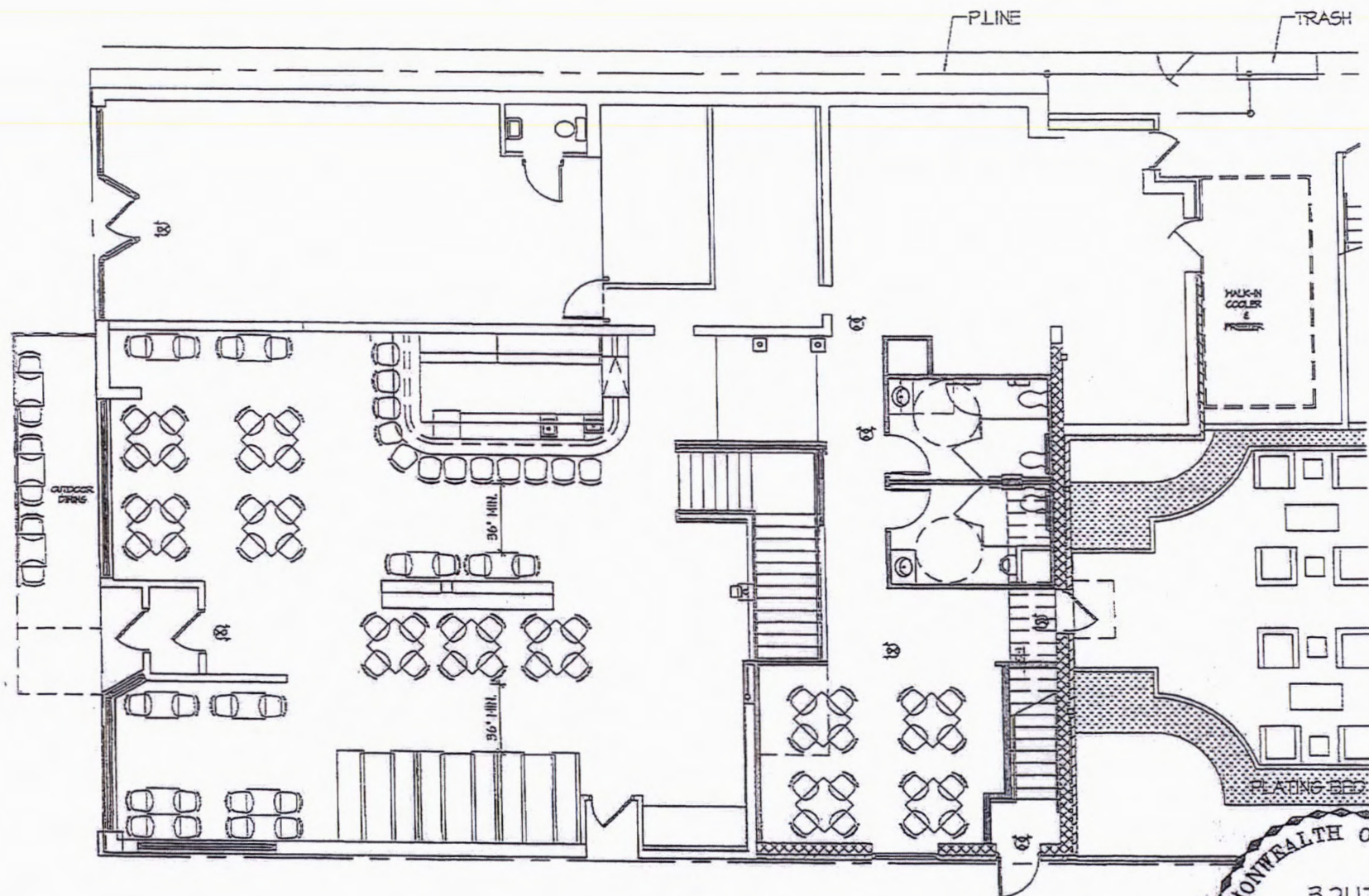
3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,
 Square footage of establishment _____
 Square footage of dance floor _____

* Ground Floor outside seats
 79 - rear patio
 6 - Sidewalk along Granby

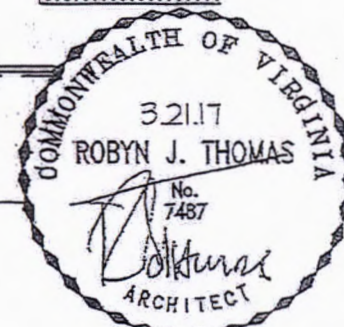
- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

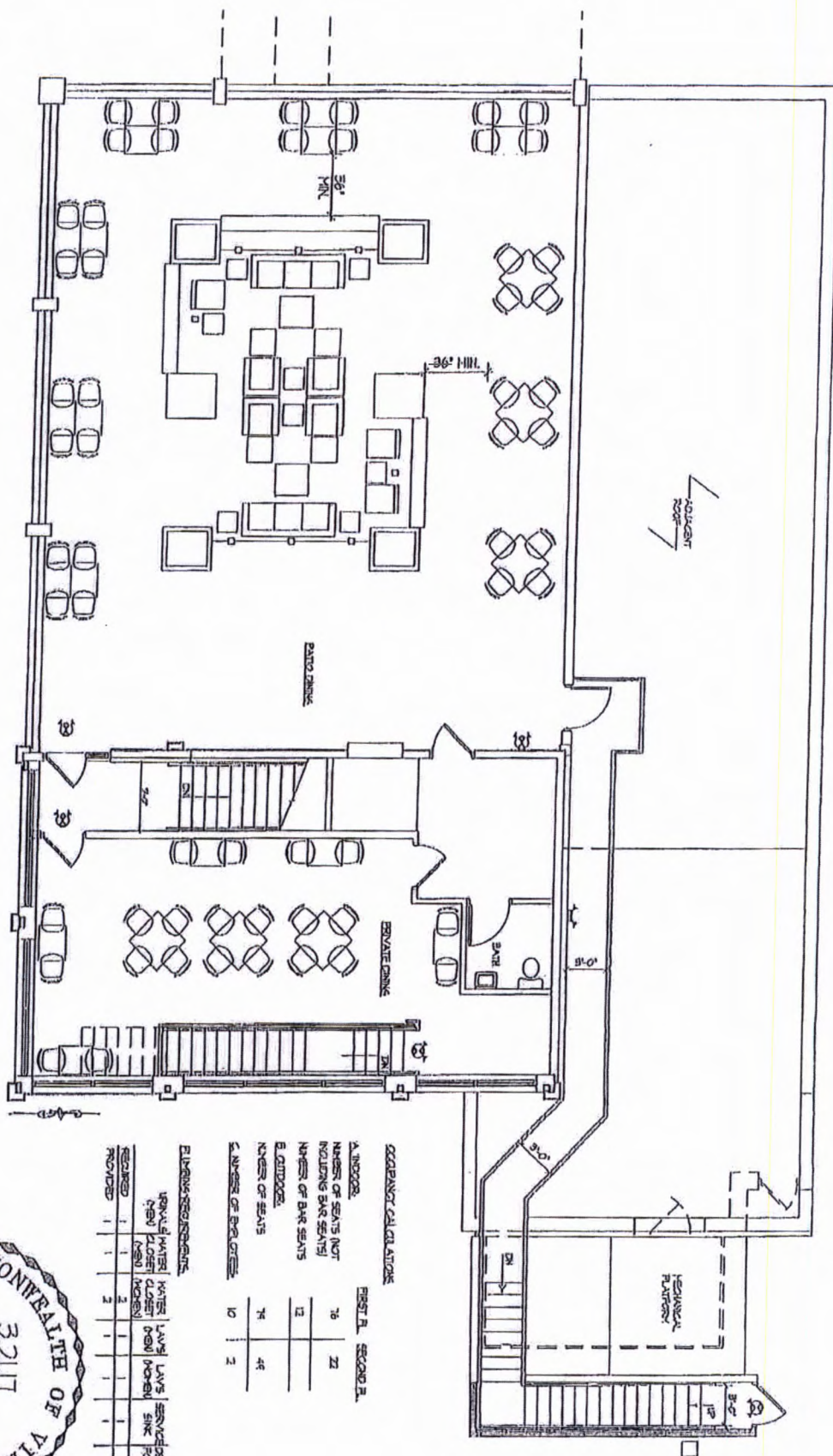


LEONE'S - PARTIAL FIRST FL. - 455 GRANBY ST.

3/32" = 1'-0"

(CAD)(Revisions after second means of egress on 2nd FL)(147-60_FP_revised 4-11-17)



$$\frac{3}{\sqrt{32}} = 1'-0"$$


SCALANOR CALCULATIONS		TEST A SECOND A.	
A. INDOOR.	76	22	
NUMBERS OF SEATS NOT HOLDING BAR SEAT/1			
NUMBERS OF BAR SEATS	13		
B. OUTDOOR.	74	46	
NUMBERS OF SEATS			
C. NUMBERS OF BAR SEATS	10	2	

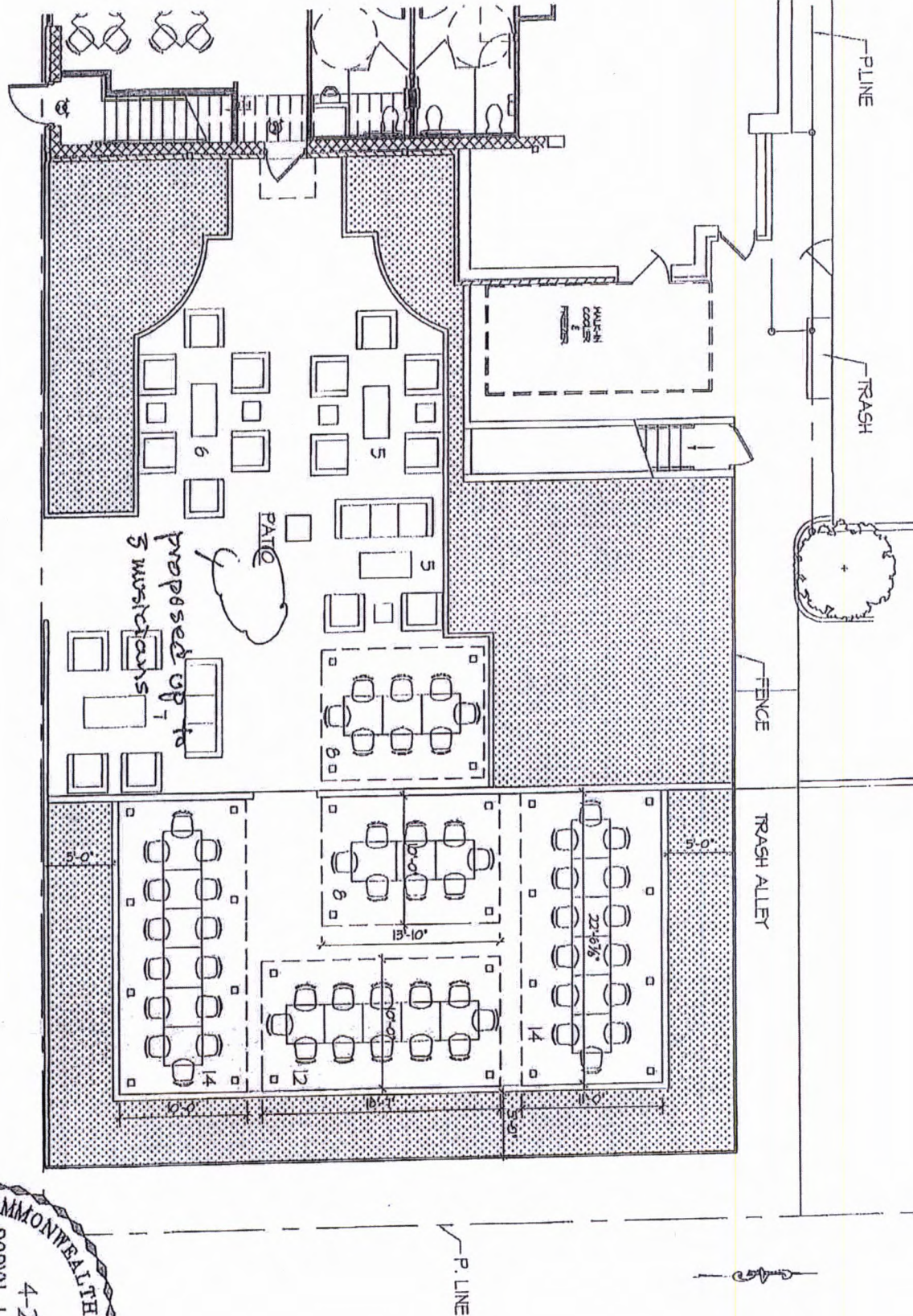


(CAP)(Revisions after second means of access on 2x1 IL)(141-60... FP_revised 4-11-11)

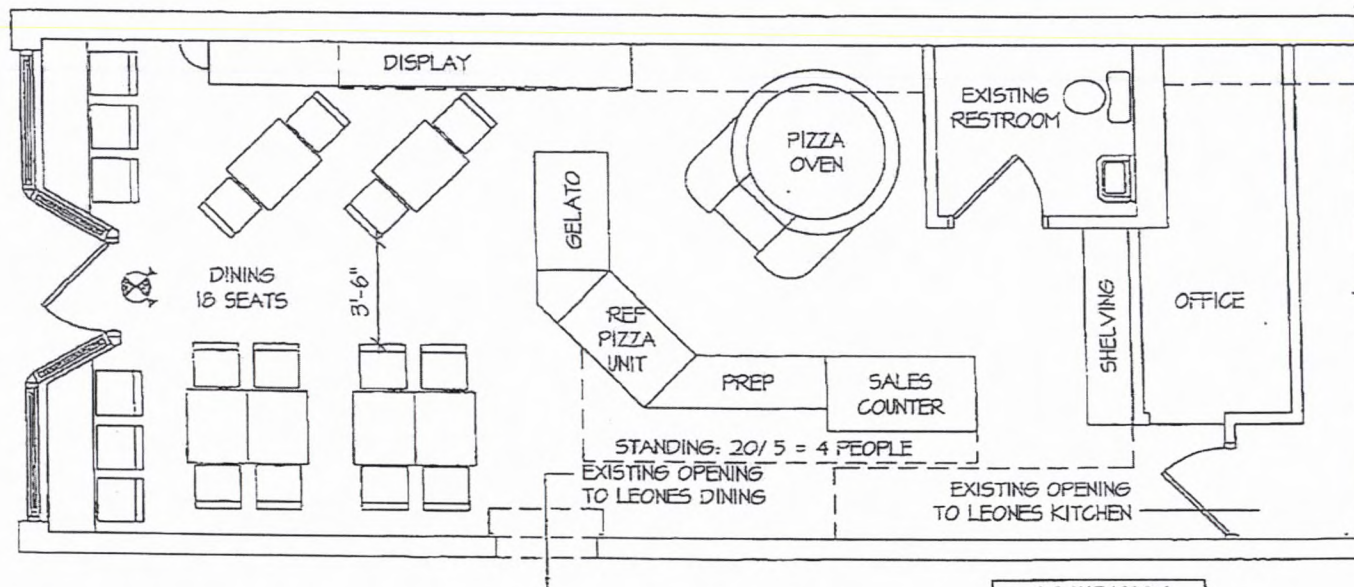
LEONE'S - REAR PATIO FIRST FL. - 455 GRANBY ST.

CHARLOTTE STREET

SIDEWALK



(CAD)Revisions after second means of egress on 2nd FL. (147-60_FP_revised 4-20-17)



LEONES ON THE SIDE AT 449 GRANBY STREET

$3/16" = 1'-0"$

OCCUPANCY CALCULATIONS	
DINING SEATS	18
STANDING	4
STAFF	3
TOTAL	25



ROBYN THOMAS
ARCHITECTURE

913 W. 21st Street Suite C
Norfolk, VA 23517

Off: 757 622,7103
Fax: 757 542,1914

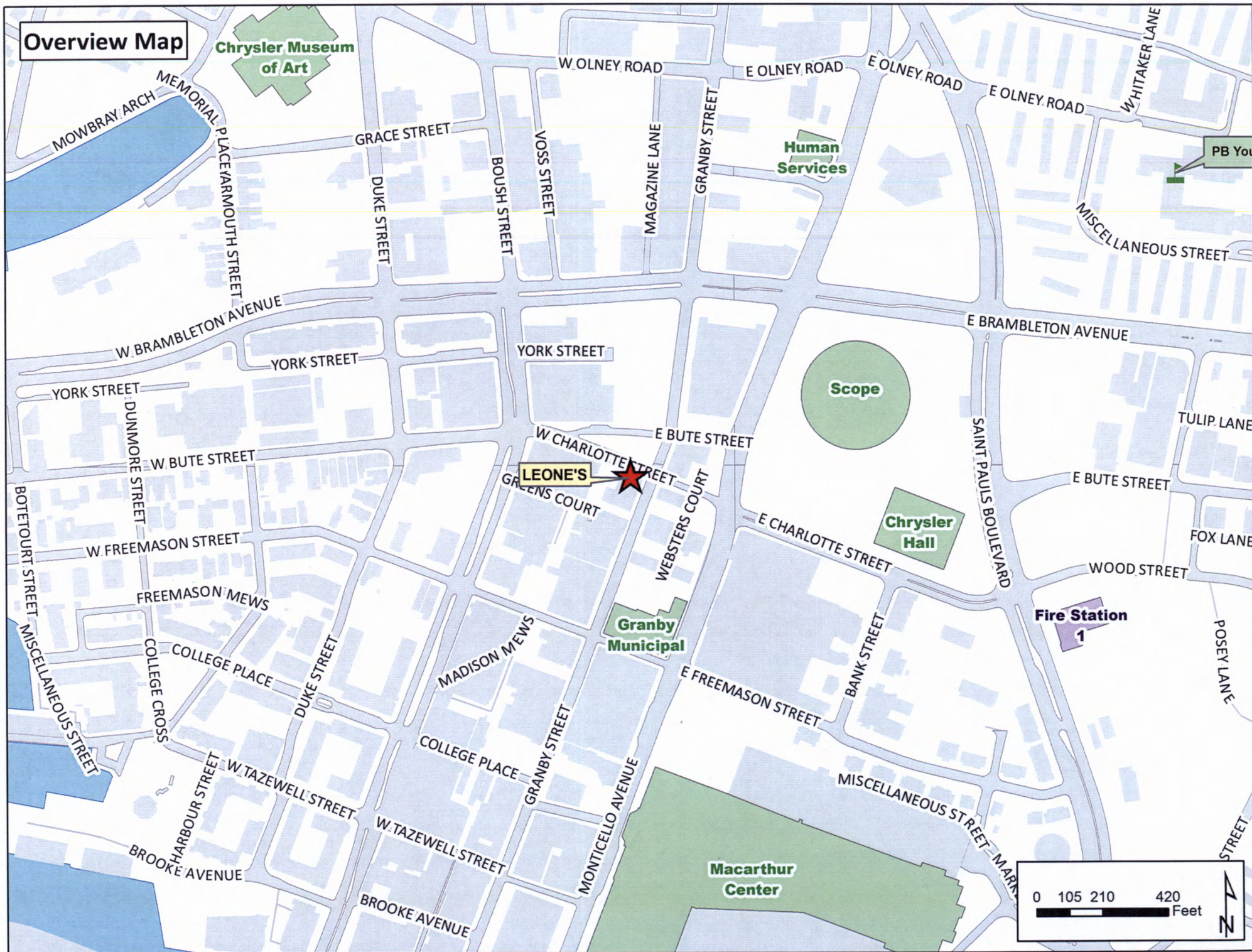
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2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

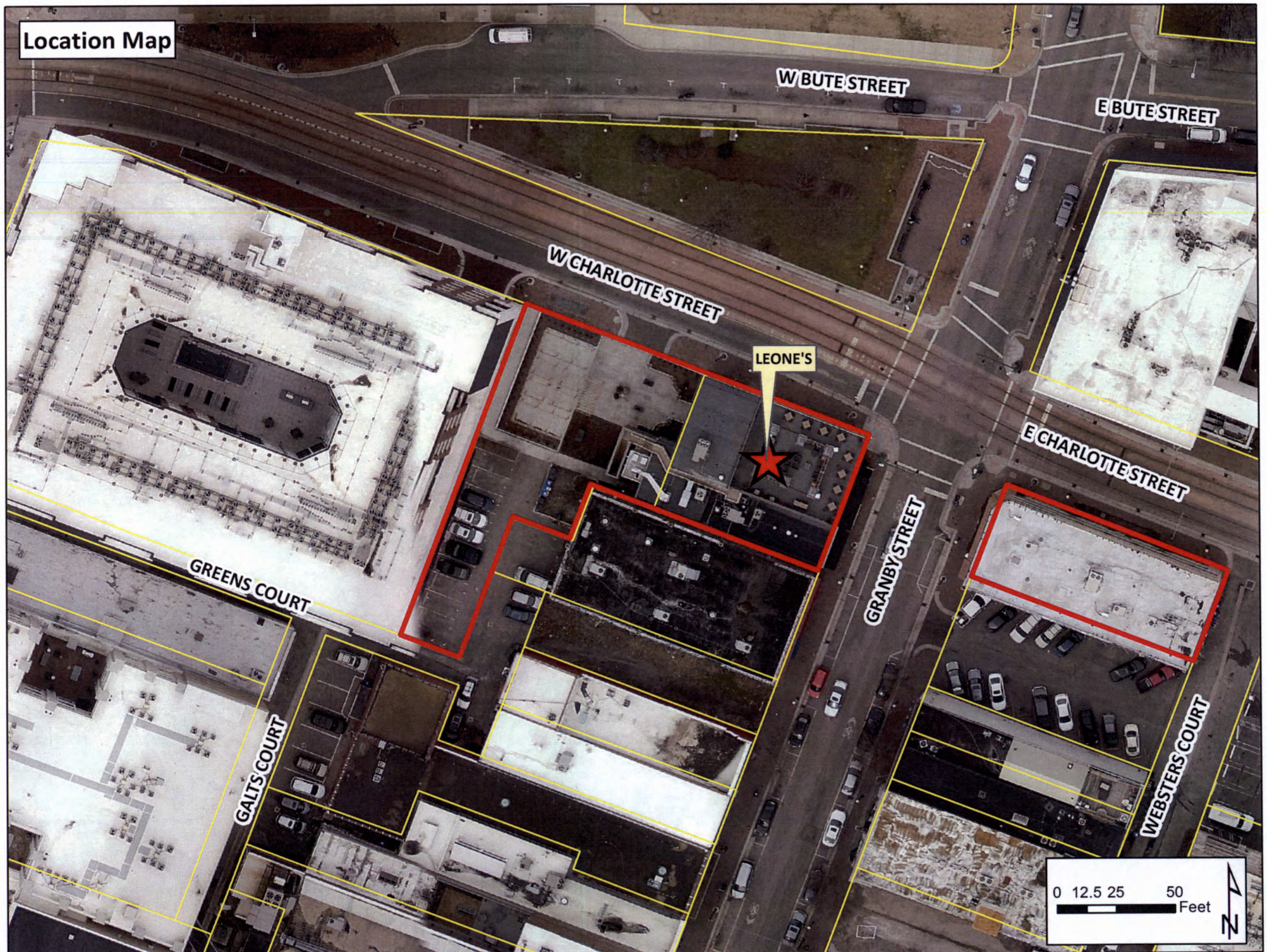
A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;
- 2) Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;
- 3) Complies with all applicable use-specific standards in Article 4. Performance Standards;
- 4) Complies with all applicable development and design standards in Article 5. Development Standards;
- 5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;
- 6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;
- 7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- 8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;
- 9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- 10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- 11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;
- 13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.
- 14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;
- 15) Complies with all other relevant city, state and federal laws and standards; and
- 16) Is required by the public necessity, convenience, general welfare, or good zoning practice.

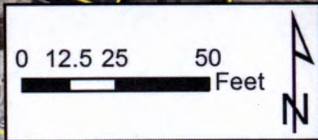
Overview Map



Location Map



LEONE'S



Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map

1000'

W BRAMBLETON AVENUE

YORK STREET

W BUTE STREET

W CHARLOTTE STREET

W FREEMASON STREET

W BOUTH STREET

W TAZEWELL STREET

COLLEGE PLACE

MARKET STREET

GRANBY STREET

MONTICELLO AVENUE

BANK STREET

SAINT PAULS BOULEVARD

E BUTE STREET

E CHARLOTTE STREET

E FREEMASON STREET

LEONE'S

GREENS COURT

WEBSTERS COURT

YARMOUTH STREET

DUKE STREET

STARKE STREET

MONTICELLO AVENUE

MISCELLANEOUS

Legend:

- Norfolk Public School
- On-Premises closing time before 12AM
- On-Premises closing time 12-1:45AM
- On-Premises closing time 2AM
- After Hours Club
- Off-Premises

0 80 160 320 Feet

North Arrow

1000'

LEONE'S

Norfolk Public School

On-Premises closing time before 12AM

On-Premises closing time 12-1:45AM

On-Premises closing time 2AM

After Hours Club

Off-Premises

0 80 160 320 Feet





**Application
Conditional Use Permit
Restaurant with Entertainment /Late Hours of Operation
(Please Print)**

Date: 6/20/18

DESCRIPTION OF PROPERTY

Address: 449 Granby St, 455 Granby St, 105-119 W. Charlotte St

Existing Use of Property: restaurant

Proposed Use: restaurant

Current Building Square Footage: 4900 +/- Proposed Building Square Footage: 4900 +/-

Trade Name of Business (If applicable): Leone's

APPLICANT*

1. Name of applicant: (Last) Baylor (First) Vicki (MI) C

Mailing address of applicant (Street/P.O. Box): 248 W. Bute St, Suite 201

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of applicant: 757 496-5382

E-mail address: jason.@baylorcorp.com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) Callahan (First) F (MI) Sullivan

Mailing address of applicant (Street/P.O. Box): 327 Duke St

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of applicant: 757 623-5000 Fax: 757 962-6062

E-mail address: sully@fsullivancallahan.com

Application

Conditional Use Permit - Restaurant with Entertainment/Extended Hours of Operation

Page 2

PROPERTY OWNER*

3. Name of property owner: (Last) 455 Granby LLC (First) Sigfred (MI) Sture
Mailing address of property owner (Street/P.O. box): 305 Brooke Ave, Unit 404
(City): Norfolk (State): VA (Zip Code): 23510
Daytime telephone number of owner: 757 544-5757
E-mail address: ssigfred@cox.net

*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Rafferty
Date meeting attended/held: May 24, 2018 + June 18, 2018
Ward/Super Ward information: _____

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Steve V. Sigfred Jr. Sign: [Signature] (Date) 6/20/18
(Property Owner)

Print name: VICKI C BAYLOR Sign: Vicki C. Baylor (Date) 6/20/18
(Applicant)

(If Applicable)

Print name: William Callahan Sign: [Signature] (Date) 6/20/18
(Authorized Agent Signature)



EXHIBIT "A"

Description of Operations

Restaurant with Entertainment/Extended Hours of Operation

(Please Print)

Date: 6/20/18

Trade name of business: Leone's

Address of business: 449 Granby St, 455 Granby St, 105-119 W. Charlotte St.

Name(s) of business owner(s)*: Leone's LLC / Vicki C. Baylor + James A. Hixon

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Name of business managers/operators Vicki C. Baylor; Pierluigi Capello;

Darren "Mickey" Vernon; Perrin Priest; mark montgomery

Daytime telephone number: (757) 496-5382

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility Alcoholic Beverage Sales and Entertainment

Weekday From: 8 am To: 2 am Weekday From: 8 am To: 2 am

Friday From: 8 am To: 2 am Friday From: 8 am To: 2 am

Saturday From: 8 am To: 2 am Saturday From: 8 am To: 2 am

Sunday From: 8 am To: 2 am Sunday From: 8 am To: 2 am

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises

☒ Off-Premises (second application required)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September, 2015)

Exhibit A – Page 3

Restaurant with Entertainment/Extended Hours of Operation

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed

4. Will video games, pool tables, game boards or other types of games be provided?

☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?

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DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

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(Revised September, 2015)

Exhibit A – Page 4

Restaurant with Entertainment/Extended Hours of Operation

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Combined over 30 years operating 6 restaurants in
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Note: If smoking is permitted, then floor plans must be submitted showing all necessary building code requirements for such facility

Vida C. Bayler

Signature of Applicant

DEPARTMENT OF CITY PLANNING

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Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September, 2015)

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- Complete this worksheet based for each floor plan submitted with application.
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 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

	1st Flr	2nd Flr	Total Indoor
1. <u>Total capacity</u>			
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Number of bar seats	12	0	12
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Number of seats	* 85	49	134 Total outdoor
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<u>Total Occupancy</u>			275 Total Occupancy
(Indoor/Outdoor seats, standing room and employees) =	275		

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List ANY type of entertainment proposed (such as 3-member live band, karaoke, comedian, or poetry reading.)

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Square footage of dance floor _____

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6 - Sidewalk along Granby

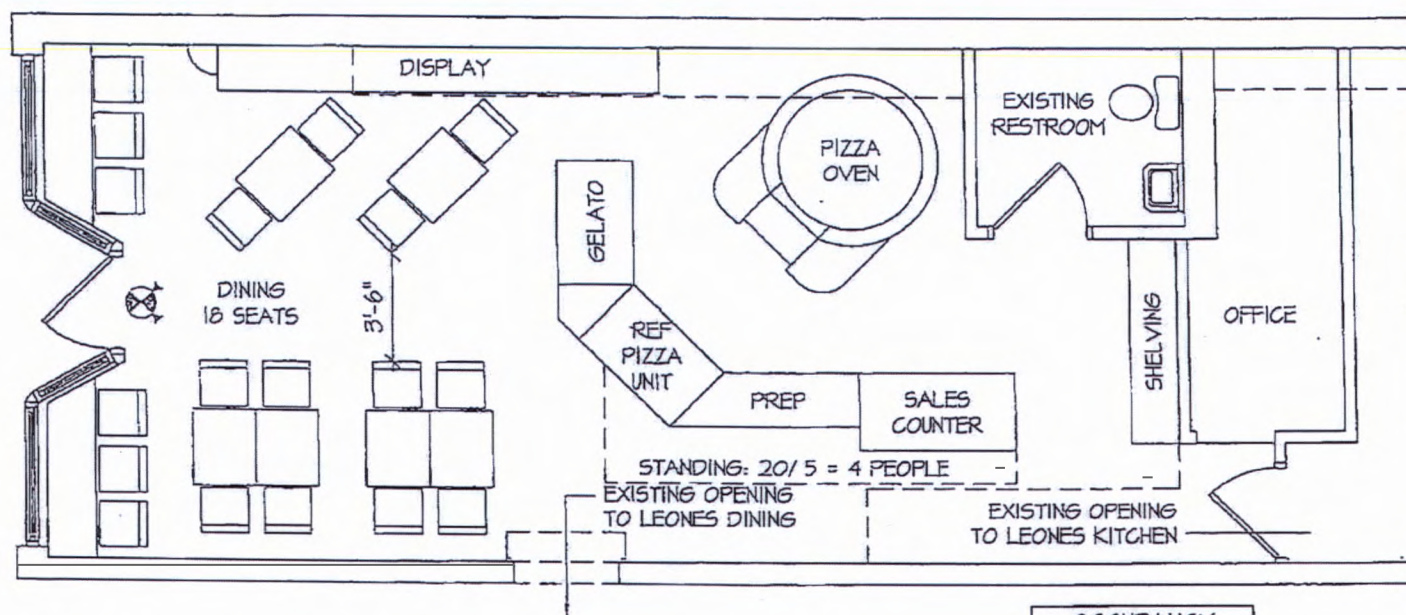
DEPARTMENT OF CITY PLANNING

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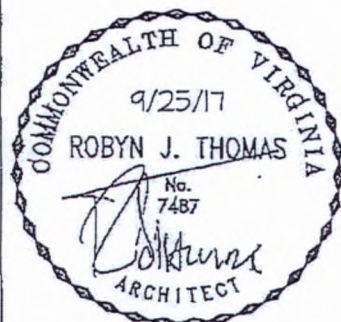
(Revised September, 2015)



LEONES ON THE SIDE AT 449 GRANBY STREET

3/16" = 1'-0"

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DINING SEATS	18
STANDING	4
STAFF	3
TOTAL	25

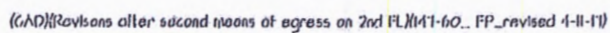
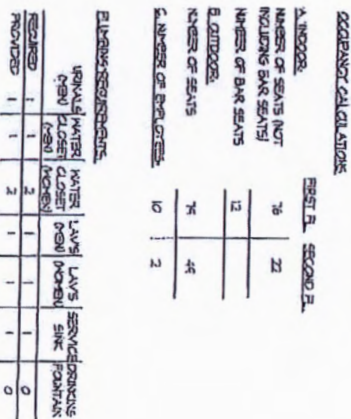


ROBYN THOMAS
ARCHITECTURE

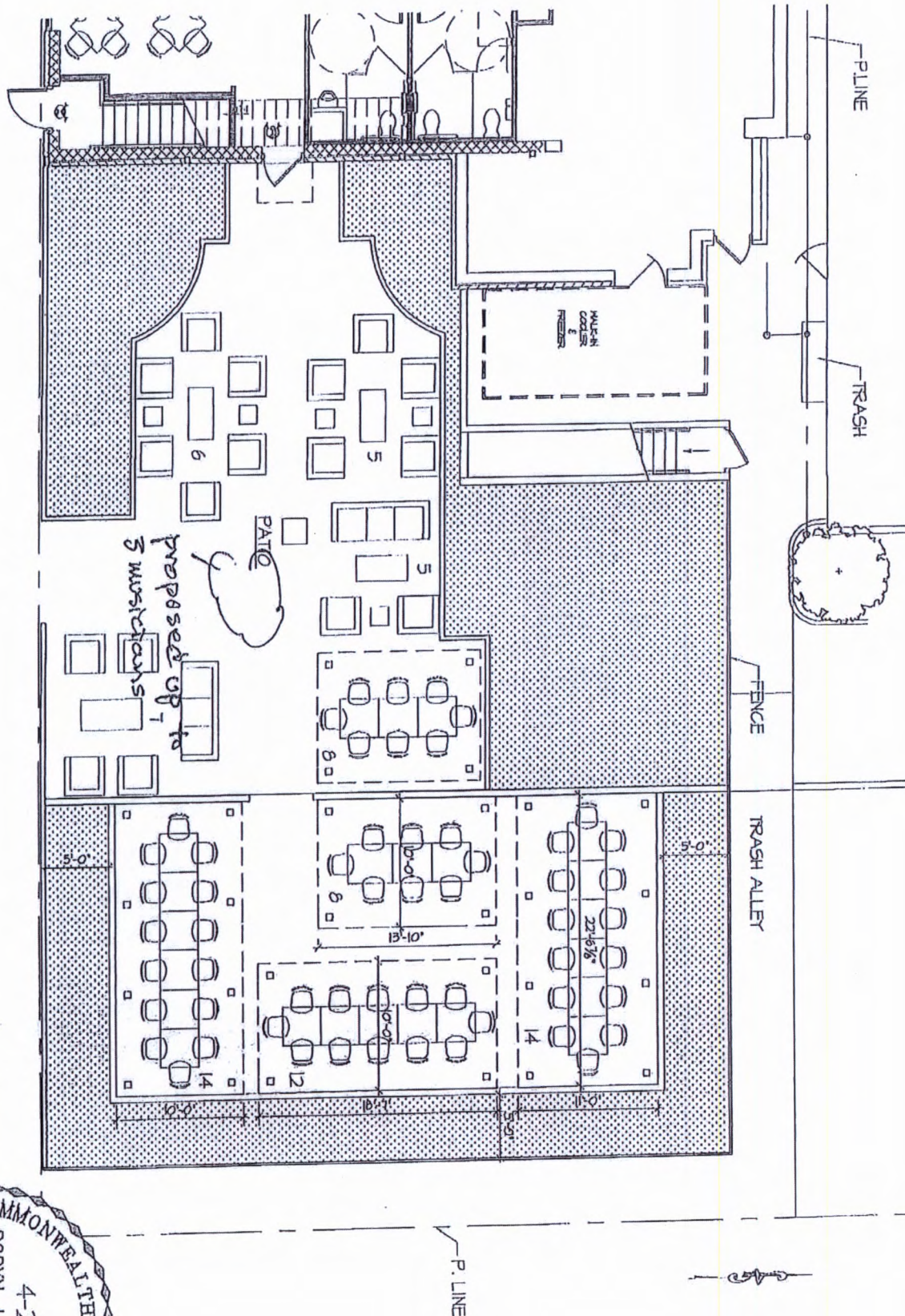
913 W. 21st Street Suite C
Norfolk, VA 23517

Off: 757 622.7103
Fax: 757 540.1014

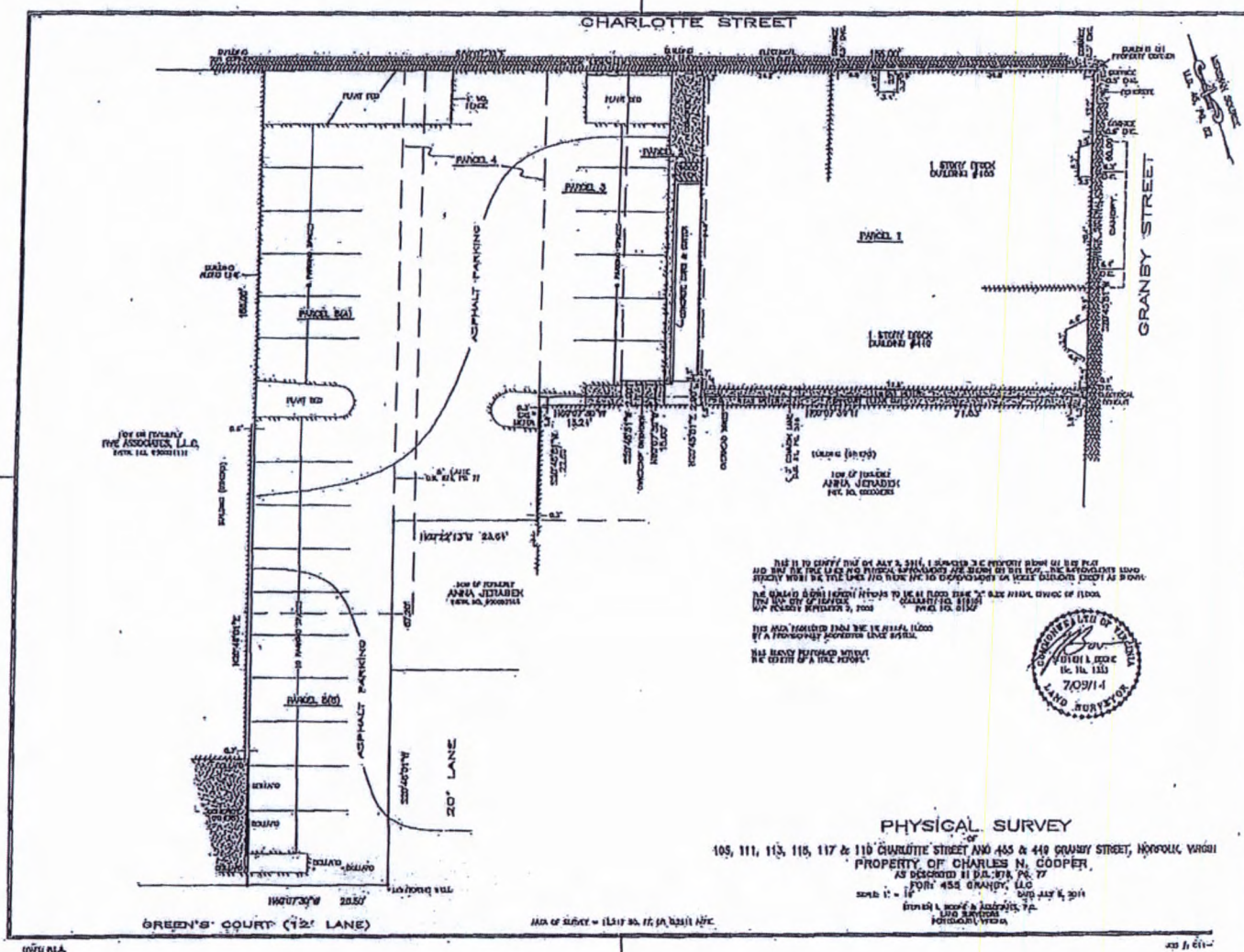
1 OF	
DATE	AI
COMM. NO.	
DRAWN	KHS
CHECKED	RJT

$$3\sqrt{32}'' = 1'-0''$$


CHARLOTTE STREET



(CAD)(Revisions after second means of egress on 2nd Fl.)(147-60_FP_revised 4-20-17)



**SECURITY PLAN
FOR
LEONE'S
455 GRANBY STREET
Norfolk, VA**

Goals:

- To create a safe and secure environment within Leone's patrons.
- To provide a level of control and safety for all arriving and departing guests of Leone's.
- To mitigate any noise or inappropriate conduct by patrons of Leone's entering or leaving the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The Leone's staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection, and safety of members of the public.
- To ensure a complete, orderly, safe, and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting, and hospitable character of the neighborhood and the City of Norfolk generally.

EMERGENCY EVACUATION PLAN:

- The emergency steps of the evacuation plan are as follows:
- There is one exit in the rear and one exit in the front of the space.
- The staff will be in charge of escorting the guests in the rear of the restaurant through the rear exit. Guests in the front of the restaurant will be escorted through the front exit.
- All exiting guests will be escorted by the staff across the street to a nearby safe location at least 500 feet from the building and the staff will remain with the guests until further instructions are given.
- The general manager will verify that all guests have safely exited the restaurant.
- If for any reason the rear exits are blocked then the front exits will be used. If for any reason the front exits are blocked then the guests will be escorted to the rear exits.

Rules and Regulations:

All rules and regulations of Leone's will be applied to every guest with consistency and integrity to provide a safe and fun environment not only for the guest but for the staff members and surrounding neighbors.

Item Code:

1. No weapons of any kind. i.e. Tasers, mace, guns, sticks and bowie knives, including chain wallets, pocket knives and long jewelry chains.
2. There is a zero tolerance policy for controlled substances of any kind.
3. No guest will be over-served alcohol for any reason and guests will be limited to two drinks per order.
4. There will be no intoxicated person on premise at any time.



**Application
Conditional Use Permit
Sale of Alcoholic Beverages for Off-Premises
(Please Print)**

Date 6/20/18

DESCRIPTION OF PROPERTY

Address: 449 Granby St, 455 Granby St, 105-119 Charlotte St

Existing Use of Property: restaurant

Proposed Use: restaurant

Current Building Square Footage: 4900 +/- Proposed Building Square Footage: 4900 +/-

Trade Name of Business (if applicable): Leone's

APPLICANT*

1. Name of applicant: (Last) Baylor (First) Vicki (MI) C

Mailing address of applicant (Street/P.O. Box): 248 W. Bate St., Ste 201

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of applicant: 757 496-5382

E-mail address: jason @ baylorcorp. com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) Callahan (First) F. (MI) Sullivan

Mailing address of applicant (Street/P.O. Box): 327 Duke St

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of applicant: 757 623-5000 Fax 757 962-6062

E-mail address: Sully @ fsullivancallahan. com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2018)

Application

Conditional Use Permit - Sale of Alcoholic Beverages for Off-Premises

Page 2

PROPERTY OWNER*

3. Name of property owner: (Last) 455 Granby LLC (First) Sigfred (MI) Sture

Mailing address of property owner (Street/P.O. box): 305 Brook Ave, Unit 404

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of owner: 757 544-5757

E-mail address: ssigfred@cox.net

*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Rafferty

Date meeting attended/held: May 24, 2018

Ward/Super Ward information: _____

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Sture V. Sigfred Jr. Sign: AVA STMD 6/20/18
(Property Owner) (Date)

Print name: Vicki C. Baylon Sign: Vicki C. Baylon 6/20/18
(Applicant) (Date)

(If Applicable)

Print name: F. Sullivan Callahan Sign: [Signature] 6/20/18
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

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EXHIBIT "A"

Description of Operations

Sale of Alcoholic Beverage for Off-Premises

Date of Application: 6/20/18

Name of business: Leone's

Address of business: 449 Granby St, 455 Granby St, 105-119 Charlotte St

Name(s) of business owner(s)*: Leone's, LLC / Vicki C. Baylor & James A. Hixon

Name(s) of property owner(s)*: 455 Granby LLC / Sture Sigfred

Name of business managers/operators Vicki C. Baylor ; PierLuigi Capella
Darren "Mickey" Vernon ; Perrin Priest ; Mark Montgomery

Daytime telephone number: (757) 496-5382

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Alcoholic Beverage Sales

Weekday From: 8 am To: 2 am Weekday From: 8 am To: 12 midnight

Friday From: 8 am To: 2 am Friday From: 8 am To: 12 midnight

Saturday From: 8 am To: 2 am Saturday From: 8 am To: 12 midnight

Sunday From: 8 am To: 2 am Sunday From: 8 am To: 12 midnight

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

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(Revised January 2018)

Exhibit A – Page 2

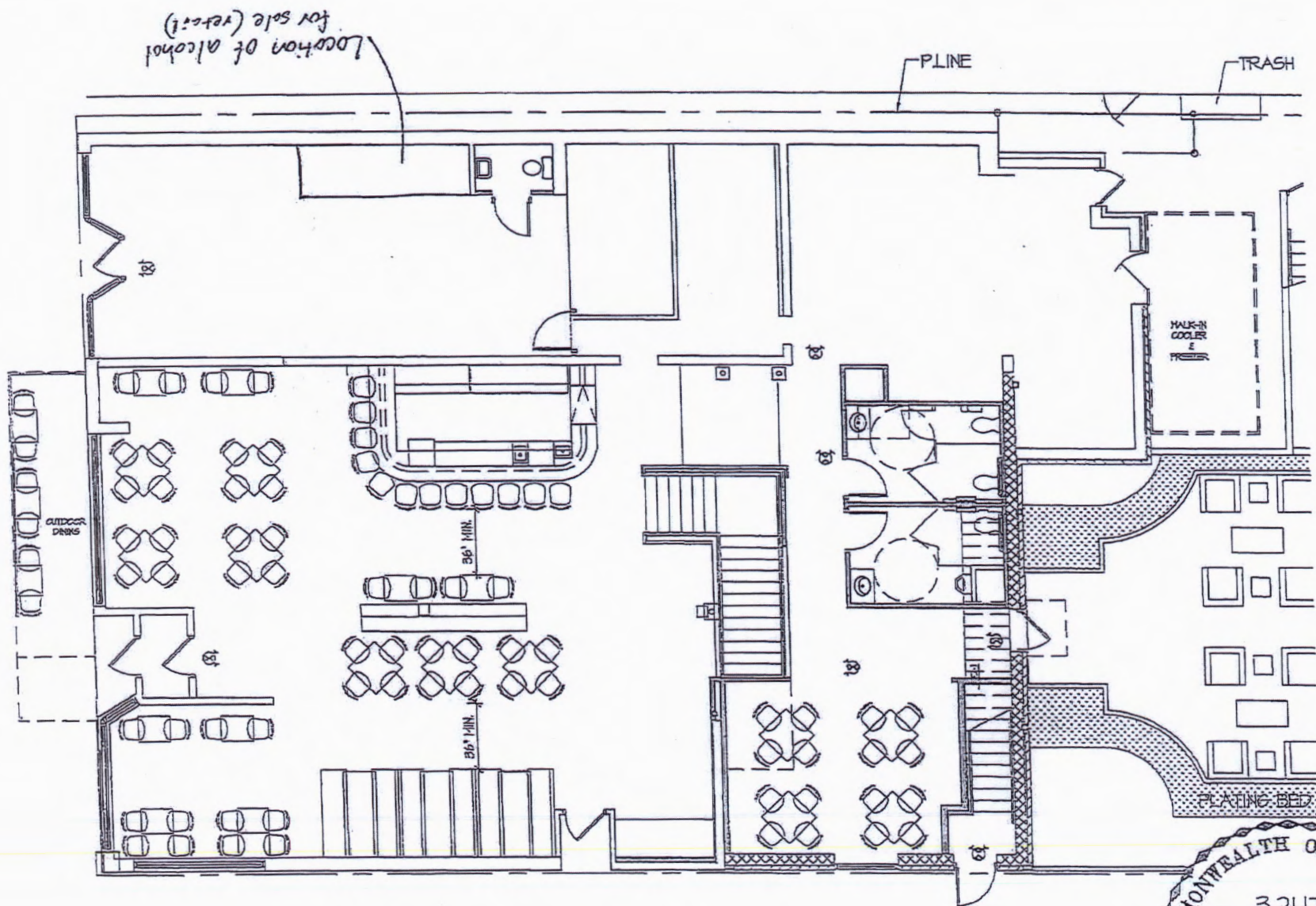
Sale of Alcoholic Beverages for Off-Premises

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Except for specialty-sized beers (imports) and
refillable growlers (32oz)

Veda C. Baylon

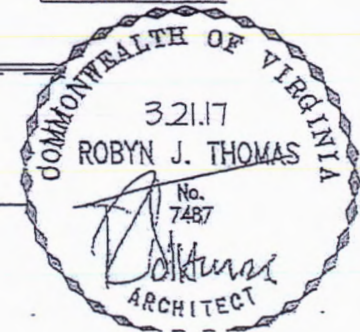
Signature of applicant/owner

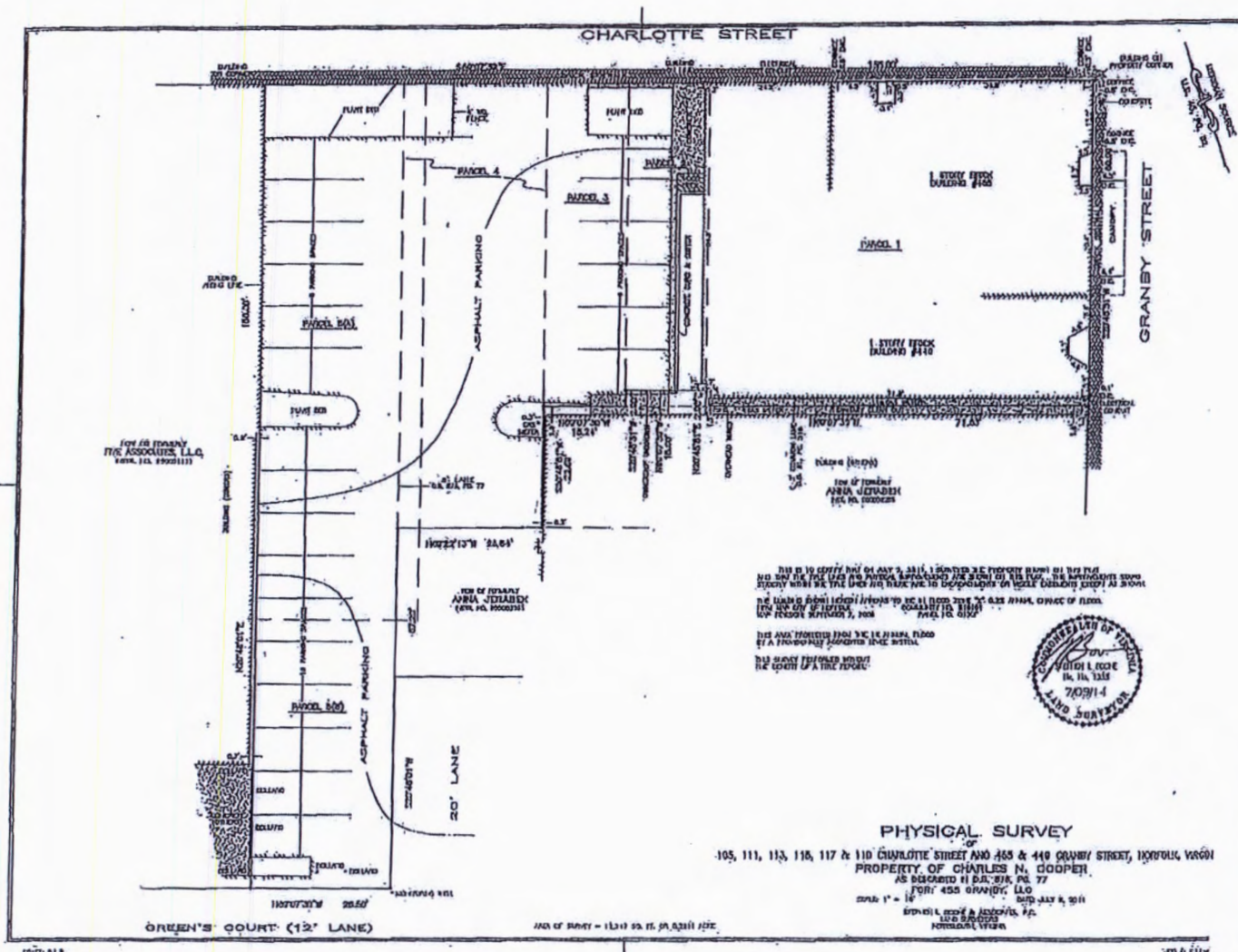


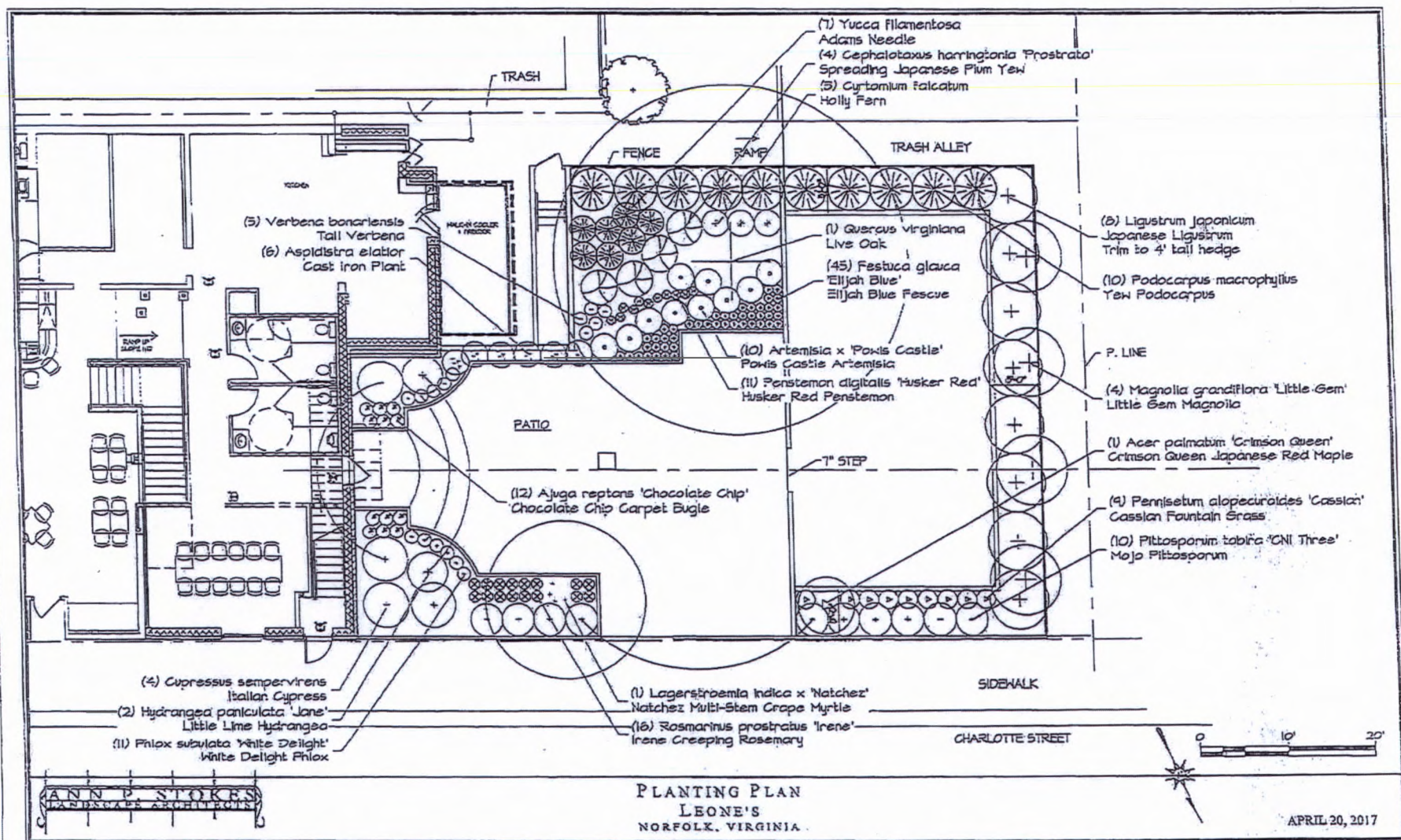
LEONE'S - PARTIAL FIRST FL. - 455 GRANBY ST.

3/32" = 1'-0"

(CAD)Revisions after second means of egress on 2nd FL(X)47-60... FP_revised 4-11-17)







Leone's- Notification sent to all Property Owners within 300ft

<u>Property Owners</u>	<u>Property Address</u>	<u>Mailing Address</u>	
2109-211 Granby Street, Llc	2349 Haversham Close	Virginia Beach	VA 23454-1154
415 Granby, Llc	Po Box 11659	Norfolk	VA 23517-0659
433 Granby Street, Llc	427 Granby St	Norfolk	VA 23510-1913
450 Boush Llc	207 Granby St Ste 203	Norfolk	VA 23510-1825
455 Granby Llc	1423 N Great Neck Rd Ste 105	Virginia Beach	VA 23454-1305
456 Granby Street Llc	305 Brooke Ave Unit 404	Norfolk	VA 23510-1347
500 Granby, Llc	273 Granby St Ste 300	Norfolk	VA 23510-1813
Alfonso, Roben E	500 Granby St Unit 5e	Norfolk	VA 23510-1945
Andrews, Bradley S & Melissa A	435 Monticello Ave Unit 500-D	Norfolk	VA 23510-2554
Ashe-Groove Landmark, Llc	2349 Haversham Close	Virginia Beach	VA 23454-1154
Ashton, Stuart	3900 Woodley Dr	Alexandria	VA 22309
Barajas, John C Et Al	500 Granby St Unit 3c	Norfolk	VA 23510-1945
Benbrook, Nolan J	500 Granby St Unit 5a	Norfolk	VA 23510-1945
Blakely, Garth	426 Granby St Unit 3a	Norfolk	VA 23510-1958
Bolch, Gregory	500 Granby St Unit 4f	Norfolk	VA 23510-1945
Broderick, Mandy I	435 Monticello Ave Unit 300c	Norfolk	VA 23510-2546
Carter, Michael J Et Al	1280 Riverside Dr	Aspen	CO 81611
Chapman, Donald E Et Al	435 Monticello Ave Unit 200d	Norfolk	VA 23510-2542
Ciao Bambino Llc	425 Monticello Ave	Norfolk	VA 23510-2408
Crisostomo, Shiela Et Al	245 E 40th St	Norfolk	VA 23504-1007
Cyr, Jeffrey	500 Granby St Unit 4a	Norfolk	VA 23510-1945
Epworth United Methodist Ch Trs	124 W Freemason St	Norfolk	VA 23510-1918
Five Hundred Granby Llc	273 Granby St Ste 300	Norfolk	VA 23510-1813
Four Forty Granby Llc	3772 Jefferson Blvd	Virginia Beach	VA 23455-1638
Four-Twenty-One Granby Llc	273 Granby St Ste 300	Norfolk	VA 23510
Frazier, Timothy S	435 Monticello Ave Unit 200c	Norfolk	VA 23510-2541
Gibson, Nickolas	500 Granby St Unit 2f	Norfolk	VA 23510-1902
Gnk, Llc	Po Box 11659	Norfolk	VA 23517-0659
Gray, James R	435 Monticello Ave Unit 400d	Norfolk	VA 23510-2550
Growing Norfolk, Llc	427 Granby St	Norfolk	VA 23510-1913
Hall, Stephen C	435 Monticello Ave Unit 400b	Norfolk	VA 23510-2548
Hixon, James A	3329 Kline Dr	Norfolk	VA 23452-6281
Howard, Hugh Wyman Iii & Sarah Joann	426 Granby St Unit 2b	Norfolk	VA 23510-1958
Hurwitz, Allison M	500 Granby St Unit 3e	Norfolk	VA 23510
Jerabek, Anna	1637 Whitehorn Rd	Virginia Beach	VA 23455
Jerome, James P	435 Monticello Ave Unit 400c	Norfolk	VA 23510-2549
Jnj Enterprises, Llc	4419 Ocean View Ave	Virginia Beach	VA 23455-1526
Johnson, Paige Christian	435 Monticello Ave Unit 400a	Norfolk	VA 23510-2547
Kelly, Maurice	905 Catskill Ct Ne	Leesburg	VA 20176-6650
Korzeniowska, Ewa Et Al	435 Monticello Ave Unit 300a	Norfolk	VA 23510-2543
Lane, Jack	513 Coastal Dr	Virginia Beach	VA 23451-7105
Leila, Llc	7464 Millbrook Rd	Norfolk	VA 23505-3350
Levy, Alexander	426 Granby St Unit 3b	Norfolk	VA 23510-1958
Lilly, Mark J Et Al	435 Monticello Ave Unit 500a	Norfolk	VA 23510
Long, Avery Brockman	435 Monticello Ave Unit 300b	Norfolk	VA 23510-2544
Marathon Development Group Inc	Po Box 11659	Norfolk	VA 23517-0659
Mccarthy, Travis	500 Granby St Unit 3f	Norfolk	VA 23510-1945

Mendoza, John & Grace	500 Granby St Unit 2b	Norfolk	VA	23510-1945
Menna, Jeffery T	500 Granby St Unit 2e	Norfolk	VA	23510
Mlligan, Leslie A	435 Monticello Ave Unit 500b	Norfolk	VA	23510-2552
Montagna, Lucian F Jr Et Als	5520 Janet Dr	Norfolk	VA	23513-1509
Nguyen, Anh-Tuan V Et Al	309 172nd Pl Se	Mill Creek	WA	98012
North Property, Llc	431 Granby St	Norfolk	VA	23510-1913
Oates Enterprises Ii Llc	3613 Prince Andrew Ln	Virginia Beach	VA	23452
Openmfg Holdings, Llc	119 W York St	Norfolk	VA	23510
Pirhadi, Nathan C & Ruth M R	500 Granby St Unit 5f	Norfolk	VA	23510-1902
Pitney, Adam W	9405 Sharla Dr	River Ridge	LA	70123-2050
Place, Joseph N & Kathryn	435 Monticello Ave Unit 200b	Norfolk	VA	23510-2540
Quinn, Celia L Et Al	500 Granby St Unit 4c	Norfolk	VA	23510-1902
Retail At The Hofflin, Llc	2349 Haversham Close	Virginia Beach	VA	23454-1154
Shull, Eugene	435 Monticello Av Unit 300d	Norfolk	VA	23510-2545
Sigfred, Sture V Jr	305 Brooke Ave Apt 404	Norfolk	VA	23510-1347
Slnwc Office Company Llc	Po Box 2491	Norfolk	VA	23501
Syne Trek, Llc	3142 Inlet Rd	Virginia Beach	VA	23454-1027
This Town, Llc	433 South Lee St	Alexandria	VA	22314-3815
Tucker, Travis	500 Granby St Unit 5b	Norfolk	VA	23510-1945
U S A	P O Box 17181	Fort Worth	TX	76102-0181
Usa	Po Box 3215	Norfolk	VA	23514-3215
Weakland, Norman E & Jennifer	500 Granby St Unit 4e	Norfolk	VA	23510-1945
Webb, Amos T & Donna Kerr	426 Granby St Unit 2a	Norfolk	VA	23510-1958
Welton Property, Llc	273 Granby St Ste 300	Norfolk	VA	23510-1800
Williams, Zachary J	435 Monticello Ave Unit 200a	Norfolk	VA	23510-2539

Williams, Sherri

From: Williams, Sherri
Sent: Wednesday, July 11, 2018 3:51 PM
To: 'dncl@welovenorfolk.org'; Miller, Mary
Cc: McClellan, Andria; Doyle, Courtney; McCoy, Breanna; Williams, Sherri
Subject: New Planning Commission Application-449-455 Granby Street and 105-119 W. Charlotte Street
Attachments: Application-ABC off-Premises.pdf; Application-Restaurant w Entertainment.pdf

Mr./Mrs.

Attached please find the following applications tentatively scheduled to be heard at the August 23, 2018 Planning Commission public hearing:

LEONE'S, for the following Conditional Use Permits at 449-455 Granby Street and 105-119 W. Charlotte Street:

- a. Restaurant operating after 12:00 a.m.
- b. Live Entertainment.
- c. Sale of Alcoholic Beverages, Off-Premises.

The purpose of this request is to allow the restaurant to operate after 12:00 a.m. with live entertainment and to sell alcoholic beverages for off-premises consumption under new ownership.

Staff contact: Sherri Williams at (757) 664-6771 sherri.williams@norfolk.gov

Thank You

Sherri Williams
Planning Technician

Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
(757) 664-6771

Connect with us:
www.norfolk.gov

